

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS FERKLER and	:	Civil Action
EILEEN FERKLER, H/W,	:	
Plaintiff,	:	No.
	:	
vs.	:	
	:	
STATE FARM FIRE & CASUALTY	:	
COMPANY,	:	
Defendant.	:	

**NOTICE OF REMOVAL**

Defendant State Farm Fire & Casualty Company, ("State Farm") by and through its attorneys, Forry, Ullman, Ullman & Forry, P.C., hereby files the following Notice of Removal, and in support thereof states as follows:

1. A Complaint in the above-captioned civil action was filed in the Court of Common Pleas of Philadelphia County on or about June 10, 2001 and served on State Farm on or about June 17, 2002. A true and correct copy of the Complaint is attached hereto as Exhibit "A".

2. The Complaint alleges that Plaintiffs Thomas Ferkler and Eileen Ferkler are citizens of the Commonwealth of Pennsylvania, residing at 77 Hartley Road, Lansdowne, Pennsylvania 19050, and that Plaintiffs were State Farm insured, pursuant to a policy of insurance at all times relevant hereto.

3. According to the Complaint: "Plaintiffs suffered a sudden and accidental direct physical loss to the insured

premises, resulting in damage to the insured premises and personal property contained therein", on or about May 29, 2001. The Complaint further alleges that State Farm "has failed and refused" to pay Plaintiffs' claim for benefits under the policy. See Plaintiffs' Complaint at Paragraphs 5 through 7.

4. The Complaint includes a claim for breach of contract and a claim for bad faith and punitive damages under 42 Pa. C.S.A. Section 8371.

5. Defendant State Farm is an Illinois corporation in the business of insurance, with its principal place of business located at One State Farm Plaza, Bloomington, Illinois, 61710.

6. Removal is timely under 28 U.S.C. § 1446 (b) because less than thirty (30) days have elapsed since the Complaint was served on State Farm.

7. State Farm will give written notice of the filing of this Notice, as required by 28 U.S.C. § 1446 (d).

8. A copy of this Notice will be filed with the Prothonotary of Philadelphia County, as required by 28 U.S.C. 1446 (d).

9. State Farm is filing this Notice of Removal in that diversity of citizenship exists between Plaintiffs and State Farm and the amount in controversy exceeds the jurisdictional amount of \$75,000.00, because Plaintiffs are requesting punitive damages under Pennsylvania's bad faith statute.

**WHEREFORE** Defendant State Farm Fire & Casualty Company requests that this action proceed in this Court as a Civil Action properly removed.

**FORRY, ULLMAN, ULLMAN & FORRY, P.C.**

Dated: 7/16/02 By: \_\_\_\_\_  
LEE E. ULLMAN, ESQUIRE

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EILEEN FERKLER, H/W,	:	
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STATE FARM FIRE & CASUALTY	:	
COMPANY,	:	
Defendant.	:	

**VERIFICATION**

The undersigned hereby verifies that I am attorney of record for Defendant State Farm Fire & Casualty Company ("State Farm") and that the statements contained in State Farm's Notice of Removal are true and correct to the best of my knowledge and information. This statement is made subject to the penalties of 18 U.S.C. § 1621, relating to perjury.

**FORRY, ULLMAN, ULLMAN & FORRY, P.C.**

Dated: 7/16/02 By: \_\_\_\_\_  
LEE E. ULLMAN, ESQUIRE

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STATE FARM FIRE & CASUALTY	:	
COMPANY,	:	
Defendant.	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16<sup>th</sup> day of July, 2002, a true and correct copy of State Farm's Notice of Removal was served upon the Plaintiffs, by mailing the same to Plaintiffs' counsel of record, by First Class United States Mail, postage pre-paid, addressed as follows:

Joseph A. Zenstein, Esquire  
Zenstein & Gallant, P.C.  
Noble Plaza, Suite 217  
801 Old York Road  
Jenkintown, Pennsylvania 19046

This statement is made subject to the penalties of 18 U.S.C. § 1621, relating to perjury.

**FORRY, ULLMAN, ULLMAN & FORRY, P.C.**

By: \_\_\_\_\_  
LEE E. ULLMAN, ESQUIRE

